

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

*In re: Nexium (Esomeprazole Magnesium)  
Antitrust Litigation*

This Document Relates to All End-Payor  
Actions

MDL No. 2409

Civil Action No. 1:12-md-02409-WGY

**DECLARATION OF LAURENCE A. SCHOEN  
IN SUPPORT OF DEFENDANTS' OPPOSITION TO THE  
END-PAYOR PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Laurence A. Schoen, declare as follows:

1. I am a Member with the law of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., counsel for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. in this action, and therefore have personal knowledge of the matters set forth herein. I submit this Declaration in support of Defendants' Opposition to the End-Payor Plaintiffs' Motion for Class Certification.

2. Attached to this Declaration as Exhibit 1 is a true and correct copy of the Expert Report of James Hughes (with exhibits), submitted by Defendants in support of their Opposition to the End Payor Plaintiffs' Motion for Class Certification.

2. Attached to this Declaration as Exhibit 2 is a true and correct copy of the manuscript of the expert deposition of Meredith Rosenthal, taken on August 19, 2013 in this action.

3. Attached to this Declaration as Exhibit 3 is a true and correct copy of cited excerpts of the transcript of the deposition of Diane Klobukowski, in her capacity as the Rule 30(b)(6) designee of named plaintiff International Union of North America Local 35 Health Care Fund ("Local 35"), taken on August 9, 2013 in this action.

4. Attached to this Declaration as Exhibit 4 is a true and correct copy of Exhibit 4 to the expert deposition of Meredith Rosenthal, taken on August 19, 2013, in this action.

5. Attached to this Declaration as Exhibit 5 is a true and correct copy of cited excerpts of the transcript of the deposition of Victor K. Uno, in his capacity as the Rule 30(b)(6) designee of named plaintiff International Brotherhood of Electrical Workers Local 595 Health and Welfare Fund ("Local 595"), taken on August 12, 2013 in this action.

6. Because the attachments to this Declaration contain material that has been designated as confidential, in whole or in part, by certain parties, the exhibits have been redacted from the publicly filed version of this Declaration, in order to allow such parties an opportunity to file a motion to seal.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Laurence A. Schoen

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Laurence A. Schoen

Dated: August 28, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of September 2013, I filed and served the foregoing via the Court's CM/ECF system, which will serve notification of such filing by email to all counsel of record.

/s/Andrew Lazerow

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